REMARKS

Applicants thank the Examiner for the careful examination of the application. Reconsideration and allowance of the application, as amended, is respectfully requested. Claims 1-15 are now pending in the application. Claim 3 has been amended to correct a typographical error. Claim 3 now recites "dialto protocol." Claim 1 has been amended to clarify that the calls are processed over a packet switched data network, namely the Internet.

I.   Claim Objections

The Examiner has objected to Claim 3 for informalities. Claim 3 has been amended to correct a typographical error. Applicant has amended Claim 3 to now recite "dialto" protocol in place of "diatlto."

II.   Claim Rejections under 35 USC § 102(e)

Claims 1-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,177,415 to *Kim et al.* ("*Kim*")

As stated in 35 U.S.C. §102(e), a person shall be entitled to a patent unless the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Applicant respectfully traverses this rejection on the basis that the Examiner has failed to establish that every element of the rejected claims is present in the *Kim* reference. A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P § 2131 citing to <u>Verdegaal Bros. v. Union Oil Co. of California</u>, 814, F. 2d 628, 631 (Fed. Cir. 1987). It is well settled that when rejecting claims under 35 U.S.C. §102, an Examiner must find that a single prior art reference discloses each and every element of the challenged claim. <u>In re Donahue</u>, 766 F.2d 531 (Fed. Cir. 1985); <u>Getcher v. Davidson,</u> 116 F.3d 1454, 1457 (Fed. Cir. 1997).

A. *Kim* Does Not Teach Every Claim Limitation of Claim 1

The Examiner contends, with respect to Claim 1, that *Kim* discloses a method for identifying a telephone number to a computer system for processing a telephone call over the Internet to a user assigned to said telephone number comprising: receiving data entered into said computer system by a caller through a web browser; searching said data for said telephone number or a proxy representing said telephone number; processing said telephone call to said telephone number if said telephone number is found in said data; and accessing a name server to translate said proxy into said telephone number for return to said computer system for processing said telephone call to said telephone number if said telephone number is not found in said data. However, *Kim* does not disclose processing a telephone call over the Internet; rather *Kim* describes processing a telephone call over a telephone line.

Kim Does Not Teach Processing Calls Over the Internet

Applicant respectfully argues that the Examiner has failed to show that the prior art reference of *Kim* discloses each and every element of the challenged claims and, therefore, the rejections of those claims on the basis of 35 U.S.C. §102(e) was in error. *Kim* does not disclose processing a telephone call over a packet switched data network (e.g., the Internet); rather *Kim* describes processing a telephone call over a telephone line. *Kim* describes obtaining a phone number from the Internet and automatically or manually dialing the telephone line for the number.

> The telephone plug-in 230 connects to the telephone 240 with the selected telephone number using the same telephone line 260 (first telephone line) as that used to connect the information terminal with web browser 200 to the web server 210. That is, **the information terminal with the web browser 200 is not connected to the web server 210 while the telephone plug-in 230 is in use.** Thus, the **internet connection between the information terminal with the web browser 200 and the web server 210 is disconnected while the telephone plug-in 230 operates and dials** a corresponding telephone number automatically and connects the telephone with the selected telephone number (step 380).

Kim, Col. 4, lines 21-33 (emphasis added). *Kim* clearly notes that the Internet connection is disconnected while the telephone plug-in operates and dials a phone number. Accordingly, *Kim* is not processing the call over the Internet if the connection is disconnected while the telephone number is dialed.

Kim does describe the possibility of automatic dialing using the number received from the Internet search, but *Kim* does not describe using the Internet to process or actually carry the call.

> In step 350, the web browser 200 determines whether the link selected by the user is expressed by <dialto>. Here, <dialto> is a tag defined by the writer of the HTML document. That is, in the present invention, the link syntax for executing an automatic dialing is described by "<dialto> telephone number <dialto>." When a link described in such a syntax is selected by the user, the telephone plug-in 230 operates and dials a corresponding phone number automatically (step 360). Here, the **telephone plug –in 230 is an apparatus or software for automatically connecting a telephone** according to the searched for telephone number. In other words, an automatic dialing operation carries out a program, i.e., a dialing routine, which receives the telephone number from the web browser 200 and automatically dials the number.

Kim, Col. 4, lines 6-20 (emphasis added). When available, *Kim* uses an automatic dialing program that dials the telephone number found in the Internet search on the telephone line. The <dialto> function only works where such a link is expressed by <dialto>. When the link selected by the user is not defined by <dialto,> the user has to make a phone call manually. See *Kim,* Col. 4, lines 53-55. The dialing program of *Kim* does not use the Internet to process or carry the call.

Processing and carrying calls over the Internet, or other similar packet switched data network, is a required element of independent Claims 1, 9 and 14, as all claims are directed to telephone calls being made over the Internet. Accordingly, *Kim* does not anticipate Claims 1, 9 or 14.

B.   *Kim* Does Not Teach Every Claim Limitation of Claims 9 or 14

The Examiner contends, with respect to Claims 9 and 14, that *Kim* discloses a method and system of parsing through web pages to identify a telephone number or a proxy comprising the steps of: using a specified predictive or adaptive algorithm to detect telephone number data; transforming each identified telephone number that is detected into a URI; providing a user with the transformed telephone number as a URI. See Office Action, page 4.

Applicant respectfully traverses the Examiner's rejection of Claims 9 and 14. *Kim* does not disclose a method of parsing through web pages to identify a telephone number. Claim 9 and Claim 14 are directed to a method and system of parsing through web pages to identify a telephone number or a proxy comprising the steps of: using a specified predictive or adaptive algorithm to detect telephone number data; transforming each identified telephone number that is detected into a URI; and providing a user with the transformed telephone number as a URI. The sections of *Kim* identified by the Examiner, Col. 3, lines 9-24 and Col. 3, lines 48-69, describe searching for a phone number in a telephone directory database, displaying the search results as an HTML document and automatically or manually dialing the telephone number on a telephone line.

> The flowchart shown in FIG.3 includes the steps of connecting to the telephone web server using the web browser (step 300), inputting the name of a person or company to be searched in the home page of the web server (step 310), **searching for the name of the person or company input to the web server from the telephone directory database** and transferring the results of the search as an HTML document (step 320), displaying the HTML document (step 330), selecting a link the user desires from the displayed HTML document (step 340), determining whether the link selected by the user is described by "dialto" (step 350), operating a telephone plug-in if the link selected by the user is "dialto" (step 360), making a telephone call

> manually if the link selected by the user is not "dialto" (step 370), and automatically making a phone call (step 380) if the telephone plug-in is operated in step 360.
>
> The user inputs the name of the person to or company to be **searched for in the telephone directory database** 220 and the address or the keyword thereof, and clicks a search button (step 310)...
>
> When the information to be searched for is input to the home page of the web server 210 and the search button is clicked, the **web server 210 searches for the telephone numbers stored in the telephone number database** 220 of all the John Does living in Washington D.C., and transfers the searched results as an HTML document (step 320).

Kim, Col. 3, lines 9-24, 48-51, and 54-59 (emphasis added). The *Kim* patent does not disclose a specified predictive or adaptive algorithm to detect a phone number, transforming the numbers into a URI and providing the user with a transformed URI, as required by both Claims 9 and 14. *Kim* describes searching for a phone number in a telephone directory database and displaying the number as an HTML document. *Kim* does not use the Internet to place the call, rather uses a land-based line to place the call. Accordingly, *Kim* does not teach or disclose use of a specified predictive or adaptive algorithm to detect a phone number, transforming the numbers into a URI or providing the user with a transformed URI. Transforming the number into a URI would only be required for processing the calls over the Internet, something that *Kim* does not do. *Kim* clearly does not teach every element of Claims 9 or 14 and cannot be said to anticipate Claims 9 and 14.

C. *Kim* Does Not Anticipate Claims 1-15

For the reasons noted above, *Kim* does not disclose every element of the challenged independent Claims 1, 9 and 14 and therefore does not anticipate Claims 1, 9 and 14 of the present invention under 35 U.S.C. §102(e). Similarly, dependent claims 2-8, 10-13 and 15 are not anticipated by *Kim* under 35 U.S.C. §102(e) for failure to disclose each and every element of the challenged claims, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n).

Accordingly, it has been shown that *Kim* cannot be said to anticipate the present invention under 35 U.S.C. § 102(e) because *Kim* does not teach most of the claimed elements of the present invention. It is therefore respectfully submitted that the rejection under 35 U.S.C. § 102(e) has been overcome by Applicants.

CONCLUSION

Applicants submit that this Amendment and Response, if entered, places Claims 1-15 in a condition for allowance and respectfully requests that such action be taken by the Examiner at this time.

Should a telephone conference be necessary to assist the Examiner's evaluation of this application, a telephone call to the undersigned at (305) 448-7089 is respectfully solicited.

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